

CHANGE IN PAYMENT OF INTEREST COSTS RELATED TO COMPLETION OF SITE INVESTIGATION

QUESTIONS AND ANSWERS

Statutory Language

Sec. 101.143(4) (cc)(1)(c) Wis.Stats. states: *If an applicant does not complete the investigation of the petroleum product discharge by the first day of the 61st month after the month in which the applicant notified the department under sub. (3)(a)(3) or October 1, 2003, whichever is later, interest costs incurred by the applicant after the later of those days are not eligible costs.*

Sec. 101.143(3)(a)(3) Wis.Stats. states: *The owner or operator or the person notifies the department, before conducting a site investigation or remedial action activity, of the discharge and the potential for submitting a claim under this section, except for (emergency situations).*

Q: How do I know if this regulation applies to me?

A: You received notification from the Department of Commerce because you are listed as the owner or operator of a site that may be eligible for reimbursement under the Petroleum Environmental Cleanup Fund Act (PECFA). You are required to notify Commerce of the discharge and of your potential for submitting a claim. This regulation applies if you, or your environmental consultant, have not submitted a site investigation report to the Department of Commerce or the Department of Natural Resources after providing this notification.

Q: How do I know the date on record for notification to the Department?

A: The date that an applicant notifies the Department of Commerce of a release and of the potential for filing a claim is considered the notification date. For most sites, this would be the date that the initial application was received by the Department of Commerce.

Q: How do I know when my site investigation is determined to be complete?

A: For initial site investigation reports submitted **prior to June 1, 2003**, the completed date for a site investigation shall be the earliest date at which the investigation report was received by either the Department of Commerce or the Department of Natural Resources.

For those sites where the initial site investigation report was submitted **on or after June 1, 2003**, the site investigation is determined to be complete when the agency with administrative authority determines that the definition and extent of contamination has been defined and the site investigation is complete per NR 716. You will be notified when the site investigation is determined to be complete.

The investigation will be considered complete on the date the Department of Commerce receives written notification of the intent to achieve completion of the site investigation and closed remedial action **for an amount not to exceed \$60,000.**

Q: I submitted a site investigation report to the agency with administrative authority, but the agency responded with a letter requiring additional investigation activities. Am I at risk of losing interest reimbursement?

A: If your site investigation report was submitted on or before June 1, 2003, you are not at risk of losing interest reimbursement under this statute if you complete your investigation within five years.

For sites where the initial site investigation report is submitted after June 1, 2003, you may be at risk of losing interest reimbursement if you do not complete the site investigation within five years. The date of approval by the agency with administrative authority will be considered the completion date for determining compliance with the deadline.

Q: If my site is placed into the public bid process, I may not be able to contract with the successful bidder in order to complete my site investigation in time. Can my site be waived from the bid process?

A: No. Sites will not be waived from the bidding process in order to comply with this requirement.

Q: What is considered to be the notification date if I purchase a property where the previous owner had already notified the Department of Natural Resources of a release?

A: The notification date is the date that the Department of Commerce was first notified. For example, if the previous owner notified Commerce of the discharge and a potential for submitting a claim prior to October 1998, the site investigation would need to be completed prior to October 1, 2003, or interest costs after that date will not be eligible for PECFA reimbursement.

PLEASE NOTE:

Additional questions and answers regarding the change in payment of interest costs related to the completion of site investigations will be posted on the Department of Commerce website at www.commerce.state.wi.us/ER/ER-PECFA-Home.html